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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,735	03/21/2000	Shalom Levin	EPLC/03	7129
7590	10/19/2004		EXAMINER	
Pollsinelli, shalton & Welta, P. C. JeromeR. Smith Jr. 700 W. 47th Street suite 1000 ansas City, MO 64112-1802			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	
DATE MAILED: 10/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/531,735	LEVIN ET AL. <i>ST</i>
	Examiner	Art Unit
	Árpád Fábián Kovács	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 18 August 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 9-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

In re independent claims 9 & 12 & 16 & 19, Weber discloses as also shown in the marked up figures below, a lawnmower blade assembly comprising:

a shaft (15) configured to be rotatable with a motor (10);

a stub (19, 20) in communication with the shaft (fig 2);

a blade (12);

a receiver (22) coupled to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members ends configured such that pressure thereon moves the flexible members outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

in re claim 10, the shaft, stub, blade, receiver are coaxial (see fig 2);

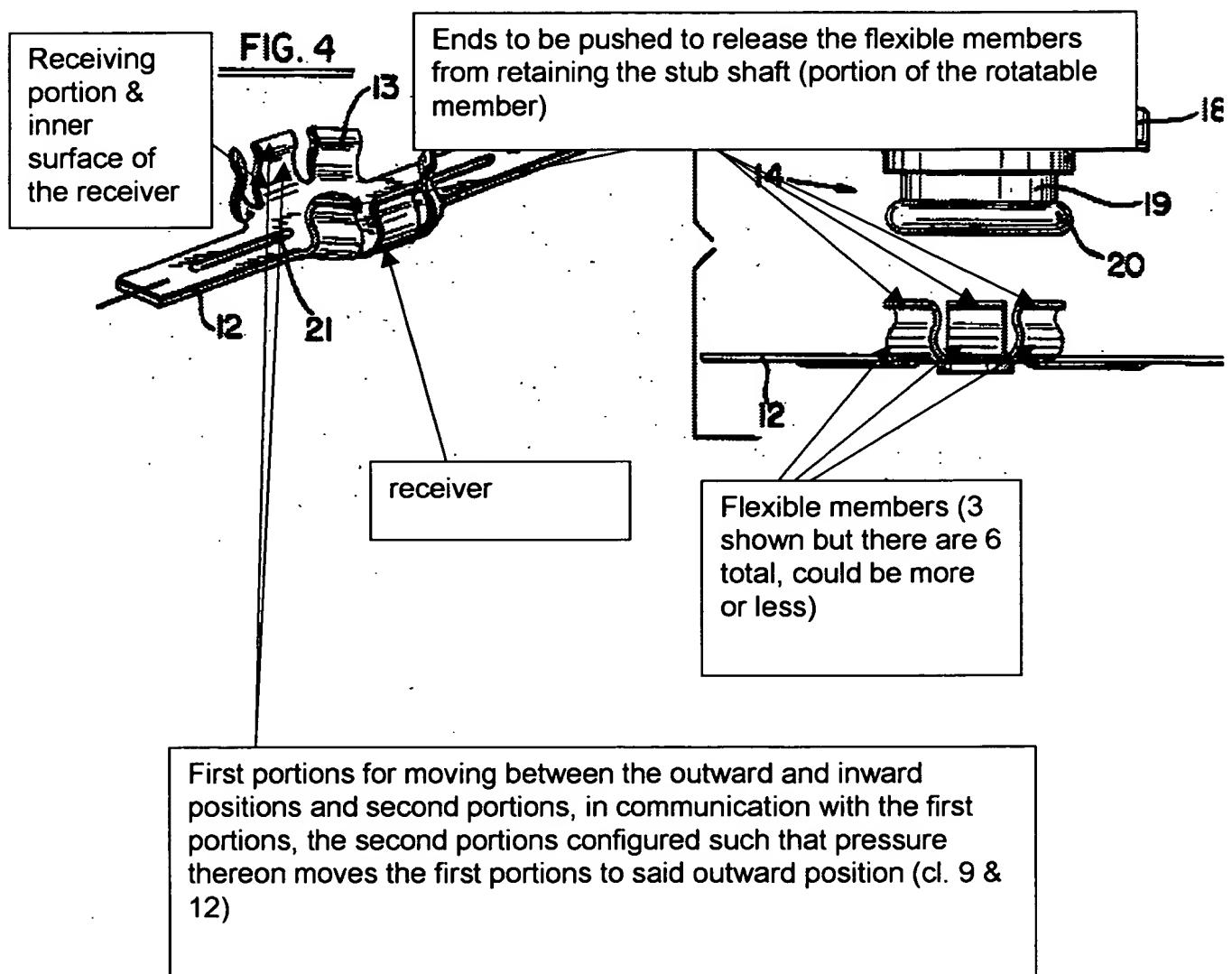
in re claims 11 & 22, the outer surface of the stub where the receiving portions's inner surface engages allows a sufficient but minimal amount of rotation play for the blade (see fig 2, the receiving portions on the outer surface of the shaft at ref 19, allows minimal rotation since it is not secured to the stub shaft, but rather pressure of the receiving portions keeps it engaged with the shaft);

in re independent claims 12 & 18 & 21, Weber discloses a lawnmower blade assembly comprising:

- a shaft (15) rotatable with a motor (10);
- a stub (19, 20) in communication with the shaft (fig 2);
- a blade body (12) including oppositely disposed cutting portions (fig 6, blade 12 having oppositely disposed cutting portions) and a platform intermediate the cutting portions (as best shown on fig 4, the receiver is placed between the oppositely disposed cutting portions or in the middle of ref 12);

- a receiver (22) coupled coaxially to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members including ends configured such that pressure thereon moves the flexible members outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

in re claims 13 & 17 & 20, the flexible members (or spring clips 13) are spring like (i.e. can be pushed outwardly to disengage the stub shaft and when released it will press against the stub shaft; col. 2, line 18).



***Response to Arguments & Amendments***

3. Applicant's arguments & amendments to the claims filed 8/18/2003 have been fully considered but they are not persuasive.

On page 8, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response to applicant's argument that page 9, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

On page 9, last paragraph, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the new claim 19 avoid such references or objections. It is unclear who the first & second portions are different from the prior.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 703-308-5897. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308 3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábián Kovács  
Primary Examiner  
Art Unit 3671

ÁFK